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C O N F I D E N T I A L SAN SALVADOR 001702

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TAGS: [EAID](#) [ES](#) [PGOV](#) [PINR](#) [PREL](#)  
SUBJECT: EL SALVADOR: GOES FINALLY "GETTING IT" ON CRIME?

Classified By: Ambassador H. Douglas Barclay, Reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: Ambassador Barclay met June 27 with President Tony Saca to underscore U.S. concern about El Salvador's worsening crime problems; the President indicated that he intends to make crime his number-one priority during his remaining three years in office. A flurry of recent activity in legal and judicial reform, together with the recent dismissal of corrupt judges and police, appear to indicate a newfound willingness on the part of government authorities to face up to the reality of the nation's critical crime problem. The Embassy stands poised to integrate greater efforts with the GOES's anti-crime struggle, while keeping the Saca administration focused on the need for it to take the lead. END SUMMARY.

¶2. (C) In an hour-long June 27 meeting with President Saca, Ambassador Barclay emphasized the importance the USG places on addressing the nation's critical crime problem, and urged Saca to take personal responsibility for the issue within the GOES. President Saca responded that he was, and asked the Ambassador to watch out for important announcements in the next week. He added that, notwithstanding the media's thirst for sensationalist crime stories, progress is already being made, and that the government's comprehensive crime-fighting plan would soon unfold. Saca praised new Attorney General Garrid Safie and Civilian National Police (PNC) Chief Rodrigo Avila, and opined that it was important to establish public successes "on the ground" and improved cooperation between prosecutors and judges before pressing for further judicial reform in the Legislative Assembly. Saca acknowledged that the recent arrests of allegedly corrupt PNC officers was a much-needed, if painful, measure. Lastly, he expressed appreciation for USG assistance in the investigation leading to the arrest of alleged money-launderer Arturo Morales, and for positive U.S. statements in the wake of Morales's arrest. (See more below.)

¶3. (C) On June 23, the DCM hosted a luncheon for Attorney General Garrid Safie, PNC Director Rodrigo Avila, Supreme Court Criminal Chamber President Nestor Castaneda, and Public Defender Marcos Gregorio Sanchez Trejo (the latter was reelected June 30); the luncheon was also attended by DOJ Attache Stacy de la Torre and FBI Legatt Leo Navarette. The nation's staggering crime situation was also the subject of this meeting; the DCM emphasized the need to develop a comprehensive plan to address the problem, and stressed that the GOES needs to communicate a clear and consistent message, rather than downplay the seriousness of the situation and thereby lose credibility. A lengthy discussion followed regarding the state of the country's judicial sector, and how judicial corruption and lack of accountability affect public

confidence in the system. Castaneda affirmed that the Supreme Court will continue to remove judges who make erroneous rulings in the face of clear guidance from the higher court, and Safie indicated that his office intends to work with the PNC aggressively to investigate and prosecute corrupt prosecutors and judges. PNC Chief Avila offered to present the Government's comprehensive crime plan to Embassy officials on July 7.

¶4. (C) The Ambassador's meeting with President Saca and DCM's luncheon occurred against the backdrop of GOES and judicial anti-crime activity on many fronts. On June 19, the Supreme Court backed up a witness protection law passed in April, and ruled that it is not unconstitutional for witnesses' faces to be concealed during trial. Thirteen PNC officers, most of them 911 operators, were arrested June 20 for their alleged involvement in a January 31 robbery. The Supreme Court on June 22 dismissed Judge Carlos Escobar of Santa Tecla, who in December released members of a Mara Salvatrucha kidnapping ring who had been apprehended with ransom money in hand from the recent kidnapping of a businessman. The Court at the same time ordered an investigation of San Francisco de Menendez Judge Adrian Menendez for his alleged involvement in dismissing charges against a number of persons charged with tax evasion. The Ministry of Governance on June 25 announced measures that would reform prison regulations to prohibit cellphones and to allow police to enter and conduct emergency searches and movements of prisoners without a court order. On the same day, the Attorney General announced that seven additional judges were under investigation for malfeasance, and the National Conciliation Party (PCN) proposed the criminalization of prison visitors' practice of bringing prohibited items to prisoners, with the imposition of three- to five-year sentences. On June 26, the Ministry of Governance proposed some 70 legal reforms, including increased penalties for threatening witnesses and for underage offenders, seizure of property associated with criminal acts, prohibition of additional articles from prisoners, and new procedures for trials involving gangs and other organized crime.

¶5. (C) The recent arrest of tourist agency operator Arturo Morales on money-laundering charges marked an important milestone in Salvadoran law enforcement, since it demonstrated that even members of prominent families were not beyond the reach of the law. (Note: Morales has family connections to the owner of leading daily La Prensa Grafica, as well as inside the Ministry of Foreign Affairs. End note.) Morales stands accused of laundering, via falsified immigrants' remittances, proceeds from narcotics sales totaling more than \$10 million, from which he profited approximately \$1.2 million. The DEA and DOJ had long sought Salvadoran cooperation in arresting Morales.

¶6. (C) Christian Democratic Party (PDC) leader Rodolfo Parker on June 26 outlined to poloff additional moves being made in law enforcement and judicial reform, saying that the Government and legislators had finally recognized the need to purge institutions and weed out corrupt judges, prosecutors, and police. He confided that seven prosecutors would soon be dismissed, and that significant changes were coming soon in both criminal law procedures and penalties. Parker is pushing ahead a measure that will require that acquittal rulings by justices of the peace be reviewed and confirmed by criminal-court judges; he is also promoting an amendment to constitutional procedural rules so that when a judge refuses to enforce the law, his/her ruling must be reviewed by the Constitutional Chamber of the Supreme Court (CSJ), and if the CSJ rules against the judge's position, he/she cannot issue similar rulings in the future. Parker opined that although the PDC, ARENA, and PCN are committed to working together to achieve significant judicial reform, such comprehensive measures will take time, and may therefore have little immediate impact on the nation's homicide rate. (Note: El Salvador's 2005 homicide rate, which equaled 55 killings per 100,000 persons per year, was the Hemisphere's highest; with murder numbers up so far in 2006, this year's rate may well

end up as the world's highest. End note.)

17. (C) COMMENT: June interagency Embassy meetings resulted in a draft consensus crime strategy. The Ambassador and Embassy staff will continue to stress a solid and consistent message that crime represents the most serious challenge to the country's sustained economic growth and the continued consolidation of its democratic institutions. We will emphasize that the GOES must take ownership in addressing the crime problem, rather than expecting the United States and others to lead the way. We believe that key elements of any effective solution will include enhancing the efficiency of the PNC (already the region's best police force) and exercising greater control within the prison system to halt communication of detained gang leaders, and thereby disrupt their organizational network. In the new process of allocating budgetary resources resulting from the joint State/USAID "Blue Sky Exercise", the Embassy has recommended allocating approximately USD 3.5 million--above and beyond existing INL funds--toward an anti-crime program. END COMMENT.  
Barclay